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RESOLUTION 1022 (1995)

Adopted by the Security Council at its 3595th meeting,
on 22 November 1995

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia,

Reaffirming its commitment to a negotiated political settlement of the conflicts in the former Yugoslavia, preserving the territorial integrity of all States there within their internationally recognized borders,

Commending the efforts of the international community, including those of the Contact Group, to assist the parties in reaching a settlement,

Praising the decision of the Governments of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to attend and participate constructively in proximity talks in the United States of America, and acknowledging with appreciation the efforts made by these Governments to reach a lasting peace settlement in Bosnia and Herzegovina,

Welcoming the initialling of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement) by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto on 21 November 1995, in Dayton, Ohio, signifying agreement between the parties to sign formally the Peace Agreement,

Noting the Concluding Statement issued at the adjournment of the proximity talks, in which all parties undertook, inter alia, to assist in locating the two French pilots missing in Bosnia and Herzegovina and to ensure their immediate and safe return,

Stressing the need for all parties to comply fully with all provisions of the Peace Agreement,

Noting that compliance with the requests and orders of the International Tribunal for the former Yugoslavia constitutes an essential aspect of implementing the Peace Agreement,

Recognizing the interests of all States in the implementation of the suspension and subsequent termination of measures imposed by the Council, and in particular the interests of the successor States to the State formerly known as the Socialist Federal Republic of Yugoslavia, with respect to the disposition of assets affected by the fact that that State has ceased to exist, and the desirability of accelerating the process now under way under the auspices of the International Conference on the Former Yugoslavia (ICFY) to reach a consensual agreement among the successor States as to the disposition of such assets,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the measures imposed by or reaffirmed in resolutions 757 (1992), 787 (1992), 820 (1993), 942 (1994), 943 (1994), 988 (1995), 992 (1995), 1003 (1995) and 1015 (1995) are suspended indefinitely with immediate effect subject to the provisions of paragraphs 2 to 5 below, and provided that if the Secretary-General reports to the Council that the Federal Republic of Yugoslavia has failed formally to sign the Peace Agreement on the date announced by the Contact Group for such purpose, and that the other parties thereto have expressed their readiness so to sign, the measures described above shall be automatically reimposed from the fifth day following the date of such report;

2. Decides also that the suspension referred to in paragraph 1 above shall not apply to the measures imposed on the Bosnian Serb party until the day after the commander of the international force to be deployed in accordance with the Peace Agreement, on the basis of a report transmitted through the appropriate political authorities, informs the Council via the Secretary-General that all Bosnian Serb forces have withdrawn behind the zones of separation established in the Peace Agreement; and urges all parties concerned to take all necessary measures to assist in locating the two French pilots mission in Bosnia and Herzegovina, and to ensure their immediate and safe return;

3. Further decides that if at any time, with regard to a matter within the scope of their respective mandates and after joint consultation if appropriate, either the High Representative described in the Peace Agreement, or the commander of the international force to be deployed in accordance with the Peace Agreement, on the basis of a report transmitted through the appropriate political authorities, informs the Council via the Secretary-General that the Federal Republic of Yugoslavia or the Bosnian Serb authorities are failing significantly to meet their obligations under the Peace Agreement, the suspension referred to in paragraph 1 above shall terminate on the fifth day following the Council's receipt of such a report, unless the Council decides otherwise taking into consideration the nature of the non-compliance;

4. Further decides that it will terminate the measures described in paragraph 1 above on the tenth day following the occurrence of the first free

and fair elections provided for in annex 3 of the Peace Agreement, provided that the Bosnian Serb forces have withdrawn from, and have continued to respect, the zones of separation as provided in the Peace Agreement;

5. Further decides that so long as the measures referred to in paragraph 1 above remain suspended, or are terminated by a subsequent Council decision in accordance with paragraph 4 above, all funds and assets previously frozen or impounded pursuant to resolutions 757 (1992) and 820 (1993) may be released by States in accordance with law, provided that any such funds and assets that are subject to any claims, liens, judgements, or encumbrances, or which are the funds or assets of any person, partnership, corporation, or other entity found or deemed insolvent under law or the accounting principles prevailing in such State, shall remain frozen or impounded until released in accordance with applicable law, and decides further that obligations of States related to freezing or impounding funds and assets contained in such resolutions shall be suspended pursuant to paragraph 1 above with respect to all funds and assets not currently frozen or impounded until the measures concerned are terminated by a subsequent Council decision;

6. Further decides that the suspension or termination of obligations pursuant to this resolution is without prejudice to claims of successor States to the former Socialist Federal Republic of Yugoslavia with respect to funds and assets; stresses the need for the successor States to reach agreement on the distribution of funds and assets and the allocation of liabilities of the former Socialist Federal Republic of Yugoslavia; encourages all States to make provision under their national law for addressing competing claims of States, as well as claims of private parties affecting funds and assets; and further encourages States to take appropriate measures to facilitate the expeditious collection of any funds and assets by the appropriate parties and the resolution of claims related thereto;

7. Further decides that all States shall continue to take the necessary measures to ensure that there shall be no claim in connection with the performance of any contract or other transaction where such performance was affected by the measures imposed by the resolutions referred to in paragraph 1 above and related resolutions;

8. Requests the Committee established pursuant to resolution 724 (1991) to review and to amend its guidelines in the light of the provisions of this resolution;

9. Pays tribute to the neighbouring States, the ICFY mission, the European Union/Organization for Security and Cooperation in Europe Sanctions Coordinator, the Sanctions Communications Centre and the Sanctions Assistance Missions, the Western European Union operation on the Danube and the North Atlantic Treaty Organization/Western European Union Sharp Guard operation in the Adriatic Sea for their significant contribution to the achievement of a negotiated peace;

10. Decides to remain seized of the matter.

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